

REMARKS

This Amendment is being filed in response to the Office Action mailed on November 3, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 10-20 remain in this application, where claims 1-9 have been canceled without prejudice to remove any confusion related to claims included in the Preliminary Amendments relative to the original claims. Claims 10-20 have been added that includes features substantially similar to that of canceled claims 1-9. Claims 10 and 19 are independent. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2006/0028734 (Kuiper). Further, claims 1-2 and 5-9 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,043,153 (Takeyama). It is respectfully submitted that claims 10-20 are patentable over Kuiper and Takeyama for at least the following reasons.

At the outset, it is respectfully submitted that Takeyama is not prior art to the present application. The present application has an effective filing date of January 30, 2004, which is before the Takeyama publication date of May 9, 2006 as well as before the Takeyama filing date of April 22, 2004. It should be noted that the effective date of Takeyama is its U.S. filing date of April 22, 2004 (and not its foreign priority claim date of May 13, 2003). That is, Takeyama was filed and published after the effective filing date of the present application. As the effective filing date of the present application of January 30, 2004 is before the Takeyama filing date of April 22, 2004, Takeyama is not available as prior art with regard to the present application.

Kuiper is directed to a zoom lens with a controllable lens

group comprising a voltage-controlled electro-wetting device that contains at least two immiscible fluids that form a meniscus interface(s) therebetween. The curvature(s), and thus the lens power, of the meniscus interface(s) is changed by changing the voltage applied to electrodes. FIG 7 shows a zoom lens system 60 with several chambers that include immiscible fluids, with two solid lens elements 72, 74 at end of the lens system 60. Kuiper is not concerned with any relationship between the curvature of the solid lens element 72, 74 and curvature of the meniscus interface(s).

It is respectfully submitted that Kuiper does not disclose or suggest the present invention as recited in independent claim 10, and similarly recited in independent claim 19 which, amongst other patentable elements recites (illustrative emphasis provided):

wherein the entrance window comprises a surface which is in contact with the first fluid, said surface having a curvature; and

wherein the curvature of the surface has a same sign as a curvature of the meniscus when no voltage is applied.

An entrance window comprising a surface which in contact with the first fluid, where the surface has a curvature with the same

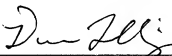
sign as the curvature of the meniscus when no voltage is applied, is nowhere disclosed or suggested in Kuiper. Rather, Kuiper discloses in FIG 7, for example, that the surface of the solid lens element 72 in contact with the fluid B has a curvature with the opposite sign as the curvature of the meniscus 63.

Accordingly, it is respectfully requested that independent claims 10 and 19 be allowed. In addition, it is respectfully submitted that claims 11-18 and 20 should also be allowed at least based on their dependence from independent claims 10 and 19 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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